

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKJamar Lukman Smith

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

City of Yonkers (Police Dept.) 1st PrecinctDon Glo Towing

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

Amended

## COMPLAINT

13CV5624Jury Trial: ☐ Yes ☒ No  
(check one)USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/23/2013

## I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Jamar Smith  
 Street Address 133 Curtis lane  
 County, City Westchester, Yonkers  
 State & Zip Code NY, 10710  
 Telephone Number 914-318-6396

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name City of Yonkers (Police Dept.) 1st Precinct  
 Street Address 730 E. Grassy Sprain Rd.  
 County, City Westchester, Yonkers  
 State & Zip Code NY  
 Telephone Number 914-377-7374

Defendant No. 2 Name Don Glo Towing  
 Street Address 179 Mclean Ave  
 County, City Westchester, Yonkers  
 State & Zip Code NY  
 Telephone Number 914-968-6779

Defendant No. 3 Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

Defendant No. 4 Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

## II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? 28 U.S.C. § 1391

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship \_\_\_\_\_

Defendant(s) state(s) of citizenship \_\_\_\_\_

### III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? 133 Curtis Lane, Yonkers NY  
10710

B. What date and approximate time did the events giving rise to your claim(s) occur? 2/2/12  
at 5:10pm

C. Facts: I was arrested and had my car illegally siezed. Upon my arrest  
my keys were taken away from me, and they (police) illegally went inside  
my house and found drugs which they charged me for, but also stole \$16,000  
which they never reported on the felony complaint.  
The arresting officer (Pete) took my keys and he told me that my mother  
gave consent to search the house while I was in booking. The felony complaint  
states the house was searched at "5:10", but that's impossible if she was  
not home until after 6:00pm (I have evidence to prove my case.)  
The arresting officer, the officers that helped with the search, Police Dept,  
and Don Glo Towing.

What  
happened  
to you?

Who did  
what?

Was anyone  
else  
involved?

Who else  
saw what  
happened?

Just my mother and I.

### IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. The injuries sustained were mental. They (Police Dept.)  
put me in a complex situation which made it hard for me to function daily. I was forced  
to pay the car note and insurance even though I couldn't get my car back. They didn't  
release my school books to me which set me back academically. Verbal abuse from Don  
Glo Towing. Im in the process of seeing a psychotherapist due to the situation.

**V. Relief:**

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. I want my vehicle returned to me with all contents inside from the date/time it was taken away. Jewelry, sneakers, books etc. (I have proof of purchase) I want my \$16,000 they took from me. I also want \$50,000 for pain and suffering. An apology as well.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23 day of Friday, 2013.

Signature of Plaintiff

Mailing Address

[Signature]  
133 Curtis lane  
Yonkers, NY, 10710

Telephone Number

914-318-6396

Fax Number (if you have one)

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

**For Prisoners:**

I declare under penalty of perjury that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: \_\_\_\_\_

Inmate Number \_\_\_\_\_



Customer Account Number Bill Period Bill Date  
 Andres Smith 743566869 Jan 22 - Feb 21 Feb 25, 2012

**A9 of 27**

## Call details

(914) 479-4955 (Continued)

### Voice Call Details

	Date	Time	Phone Number	Call Destination	Rate Type	Minutes Used	Total Charges
360	02/01	05:23 PM	954-401-5156	Incoming	WC/AU	7:00	
361	02/01	05:31 PM	954-534-6669	HOLLYWOOD, FL	WC/AU	1:00	
362	02/01	06:10 PM	914-774-5259	WHITE PLS, NY	WC/AU	1:00	
363	02/01	06:12 PM	914-774-5259	Incoming	WC/AU	1:00	
364	02/01	06:34 PM	954-534-6669	Incoming	WC/AU	1:00	
365	02/01	07:44 PM	954-534-6669	HOLLYWOOD, FL	NW/WC/AU	2:00	
366	02/01	07:46 PM	954-534-6669	HOLLYWOOD, FL	NW/WC/AU	2:00	
367	02/01	10:53 PM	347-793-7521	BKLYN NYC, NY	NW/WC/AU	4:00	
368	02/02	12:50 AM	313-588-2158	Incoming	NW/WC/AU	1:00	
369	02/02	05:50 AM	914-530-5249	Incoming	NW/AU	1:00	
370	02/02	10:19 AM	914-774-5259	WHITE PLS, NY	WC/AU	2:00	
371	02/02	10:22 AM	914-774-5259	Incoming	WC/AU	1:00	
372	02/02	10:28 AM	914-846-2041	Incoming	AU	1:00	
373	02/02	10:30 AM	954-534-6669	HOLLYWOOD, FL	WC/AU	2:00	
374	02/02	03:15 PM	954-534-6669	HOLLYWOOD, FL	WC/AU	5:00	
375	02/02	03:20 PM	914-774-5259	WHITE PLS, NY	WC/AU	1:00	
376	02/02	03:21 PM	914-774-5259	Incoming	WC/AU	1:00	
377	02/02	03:36 PM	914-433-1169	YONKERS, NY	WC/AU	1:00	
378	02/02	03:37 PM	914-433-1169	Incoming	WC/AU	3:00	
379	02/02	03:39 PM	914-709-0141	Incoming	CW/AU	3:00	
380	02/02	03:42 PM	914-433-1169	YONKERS, NY	WC/AU	1:00	
381	02/02	04:07 PM	914-763-6495	SOUTHSALEM, NY	AU	2:00	
382	02/02	04:33 PM	347-784-6447	Incoming	WC/AU	4:00	
383	02/02	04:43 PM	800-648-9605	Incoming	AU	11:00	
384	02/02	04:54 PM	914-310-9962	WHITE PLS, NY	WC/AU	2:00	
385	02/02	05:08 PM	914-433-1139	YONKERS, NY	WC/AU	1:00	
386	02/02	05:08 PM	914-433-1169	YONKERS, NY	WC/AU	3:00	
387	02/02	05:18 PM	347-859-9375	BRONX NYC, NY	WC/AU	1:00	
388	02/02	05:32 PM	914-924-8286	Incoming	WC/AU	2:00	
389	02/02	06:01 PM	313-588-2158	Incoming	WC/AU	1:00	
390	02/02	06:11 PM	313-588-2158	DETROIT, MI	WC/AU	1:00	
391	02/02	06:11 PM	313-588-2158	DETROIT, MI	WC/AU	1:00	
392	02/02	06:12 PM	313-588-2158	DETROIT, MI	WC/AU	1:00	
393	02/02	06:13 PM	313-588-2158	DETROIT, MI	WC/AU	1:00	
394	02/02	06:15 PM	954-534-6669	HOLLYWOOD, FL	WC/AU	1:00	
395	02/02	06:18 PM	313-588-2158	DETROIT, MI	WC/AU	2:00	
396	02/02	06:25 PM	313-588-2158	Incoming	WC/AU	2:00	
397	02/02	06:27 PM	313-588-2158	Incoming	WC/AU	2:00	
398	02/02	06:33 PM	631-747-8703	Incoming	WC/AU	1:00	
399	02/02	06:34 PM	631-747-8703	BRENTWOOD, NY	WC/AU	2:00	
400	02/02	06:35 PM	631-747-8703	BRENTWOOD, NY	WC/AU	1:00	
401	02/02	06:36 PM	631-747-8703	BRENTWOOD, NY	WC/AU	1:00	
402	02/02	06:55 PM	313-588-2158	Incoming	WC/AU	4:00	
403	02/02	07:01 PM	631-747-8703	Incoming	NW/WC/AU	3:00	
404	02/02	07:07 PM	914-763-6495	SOUTHSALEM, NY	NW/AU	1:00	

WC - Any Mobile, Anytime AU - Anytime/Plan Usage NW - Night and Weekends CW - Call Waiting

Exhibit A:

The highlighted area indicates the time and location of my mother around the time of my arrest. The "Felony Complaint" states the drugs were found at approximately "5:35pm". If the court will grant me a subpoena for video footage, I can prove her exact whereabouts on that given date and time.



1147

CITY COURT  
CITY OF YONKERS  
COUNTY OF WESTCHESTER

12 0696

FELONY COMPLAINT

THE PEOPLE OF THE STATE OF NEW YORK  
-against-

**JAMAR SMITH** 133 Curtis Lane Yonkers, NY 10710 03/12/1987 Defendant(s)

Be it known that the complainant herein PO Alex DellaDonna, of the City of Yonkers Police Department, Westchester County, New York, accuses the defendant(s) named above of the following offense(s) committed at 133 Curtis Ave., City of Yonkers, New York at about February 2012 at approximately 5:35 PM

**COUNT ONE** : The Offense of CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE, a violation of Penal Law PL2202101AF1

**COUNT TWO** : The Offense of CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE, a violation of Penal Law PL2201601BF3



The Defendant(s) at the above date, time and place did knowingly and unlawfully possess one more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of eight ounces or more. The Defendant(s) at the above date, time and place did knowingly and unlawfully possess narcotic drug with intent to sell it.

To wit: The defendant(s) at the above date, time and place, did knowingly and unlawfully possess with intent to sell a Nike shoe box in his bedroom closet floor containing 540 percocets, 67 ecstasy pills, 71 roxicodone pills, 104 vicodin pills, 24 lunesta pills, 1 30 mg opanas, 71 xanax, 79 40 mg opanas, 18 5 mg oxycodones, 19 30 mg oxycodones, 3 1 mg xanax, (a total 1,006 pills) weighing an aggregate of approximately eight ounces or more. Based on the weight and the quantity of the narcotics, and your deponent's training and experience, the defendant evinced the intent to sell same.

Your deponent's conclusion that the above substance is percocets, ecstasy, roxicodone, vicodin, lunesta, opanas, xanax, oxycodone consists in part on deponent's training and experience as a police officer in the recognition of controlled substances including percocets, ecstasy, roxicodone, vicodin, lunesta, opanas, xanax, oxycodone.

The above allegation(s) of fact are made by the complainant herein on direct knowledge (and upon information and belief), with the source(s) of complainant's information and the grounds for his or her belief being police investigation.

NOTICE: PURSUANT TO THE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

IMPOUNDED VEHICLE RELEASE FORM		YONKERS POLICE DEPARTMENT		UF-54A(12/99)	
Incident # <b>12-11411</b>		Date <b>2/2/12</b>		Time <b>1735</b>	
Date and time vehicle released from Yonkers Police custody: <b>5/21/13 2005 hrs</b>					
Name and complete address of person vehicle was released to: <b>Jamar Smith 133 Curtis Lane Yonkers NY 10710</b>					
Reason for release: <b>DA's release - proper paperwork</b>					
Authority: <b>#132</b>					
Full name and number of dispatcher notified: <b>#86</b>				Alarm has been canceled: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Dispatcher notified by whom? <b>#132</b>		Date <b>5/21/13</b>		Time <b>8:00 a.m.</b>	
Full name of tow operator or agent notified: <b>Vanessa</b>					
Tow operator notified by whom? <b>132</b>		Date <b>5/21/13</b>		Time <b>8:00 a.m.</b>	
Make <b>Lexus</b>	Model <b>300</b>	Plate <b>FG23311</b>	State <b>NY</b>	VIN <b>JTHBF306930125751</b>	
Remarks:					
Signature of vehicle claimant: 					
Desk officer: 					
Supervisor:					

377-6240

# CLAIM AGAINST THE CITY OF YONKERS

## PROPERTY DAMAGE OR LOSS

To the Corporation Counsel of the City of Yonkers: I herewith present my claim against the City of Yonkers for Property Damage

Name of Property Owner	Last <u>Smith</u>	First <u>Jamar</u>	Home Phone	Business Phone <u>914.318.6396</u>
Address of Property Owner	Number & Street <u>133 Curtis lane</u>	City <u>Yonkers</u>	State <u>NY</u>	Zip <u>10710</u>
Exact Location Where Damage Occurred	<u>133 Curtis lane</u>			
Describe Exactly How Damage Occurred	Damage Occurred <u>2</u> / <u>2</u> / <u>12</u> Time <u>5:35</u> a.m. Mo. / Day / Yr.			

### DESCRIPTION AND COST OF DAMAGE OR LOSS

Property Description	Damage Cost
My vehicle was unlawfully taken on 2/2/12 when I was arrested on separate charges. My vehicle was released by the DA, but Don Glo Towing (on McLean) wanted me to pay 16,995 on the day of the DA's release. I have property in the vehicle that won't be released to me and fear it might have been stolen. All appropriate documents will be attached.	

### CERTIFICATION

Date <u>June 27, 2013</u>	Signature of Claimant X <u>[Signature]</u>
State of New York } County of }	ss: <u>[Signature]</u>
<u>Jamar Smith</u> being duly sworn deposes and says that I have read the foregoing NOTE OF CLAIM and know the contents thereof; (Print Name)	
that the same is true to the best of my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and to those matters, I believe it to be true.	
Signature of Claimant X <u>[Signature]</u>	
IF CLAIM IS NOT SETTLED, YOU MUST START LEGAL ACTION WITHIN ONE YEAR AND NINETY (90) DAYS FROM DATE OF ACCIDENT	
NOTARY PUBLIC-STATE OF NEW YORK No. 01RE6169293 Qualified in Bronx County My Commission Expires June 25, 2015	Sworn to before me this <u>27</u> day of <u>June</u> 20 <u>13</u> <u>[Signature]</u> Signature of Notary

RECEIVED  
CORPORATION COUNSEL  
YONKERS, N.Y.  
2013 JUN 24 AM 11:34

### INSTRUCTIONS FOR FILING THIS CLAIM

This claim must be filed either in person or by registered mail within ninety (90) days from the date of damage at the Office of the Corporation Counsel, City Hall, Room 300, 40 South Broadway, New York 10701

### IMPORTANT --- TO SPEED THE EVALUATION OF YOUR CLAIM

Attach Copies of:

- Itemized Statements of Estimate of Damage
- Itemized Paid Bills, Cancelled Checks, Etc., as Proof of Payment for Repair of Damage
- Photographs of Damage, if Available



Loan Servicing

P.O. Box 901098  
FORT WORTH TX 76101-



**Lien Release Affidavit**

JAMAR SMITH  
133 CURTIS LN  
YONKERS NY 10710

Owner: JAMAR SMITH  
Year: 2003  
Make: LEXUS  
Model: ES 300  
Vin No: JTHBF30G930125751

I (we) hereby certify that the lien or encumbrances on the motor vehicle described above is hereby released, full payment to satisfy said lien having been received by JPMorgan Chase Bank, N.A.

The said lien may be removed from said Certificate Of Title.

  
Authorized Agent

Before me this day personally appeared the lienholder of authorized agent whose signature appears above, who by me duly sworn upon oath says the statements set forth above are true and correct.

APR 12 2013

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

  
Notary Public State of Texas

NOTARY SEAL

Luis Camarillo

Notary's Printed Name



My Commission Expires

SMITH, JAMAR  
133 CURTIS LANE  
YONKERS

NY 10710

001466

# CERTIFICATE OF TITLE

## NEW YORK STATE

www.nysdmv.com



Title and Identification No.

**JTHBF30G930125751**  
**JTHBF30G930125751**

Year

2003

Make

LEXUS

Model Code

300

Body/Hull

4DSD

\* \* LIENS \* \*

Document No.

463414A

Color

BK

Wt./Sts./Lgth.

4464

Fuel

GAS

Cyl./Prop.

6

New or Used

USED

Type of Title

VEHICLE

Date Issued

6/30/11

Name and Address of Owner(s)

SMITH, JAMAR  
133 CURTIS LANE  
YONKERS NY

10710

ODOMETER READING:

55824

ACTUAL MILEAGE

55824

This document is your proof of ownership for this vehicle, boat or manufactured home. Keep it in a safe place, not with your license or registration or in your vehicle or boat. To dispose of your vehicle, boat or manufactured home, complete the transfer section on the back and give this title to the new owner.

Lienholder

JPMORGAN CHASE  
BANK NA  
PO BOX 901098  
FORT WORTH TX 76101

Lienholder

01

\* ONE LIEN RECORDED \*

Lienholder

\* ONE LIEN RECORDED \*

Lienholder

\* ONE LIEN RECORDED \*

MV-999 (4/08)

DEPARTMENT OF MOTOR VEHICLES

VOID IF ALTERED

VOID IF ALTERED



Loan Servicing

P.O. Box 901098  
FORT WORTH TX 76101-

JAMAR SMITH  
133 CURTIS LN  
YONKERS NY

10710

Account Number: 00518150462112

Dear JAMAR SMITH:

Please accept our congratulations on paying off the above referenced account. We're writing to confirm that this loan, originated on May 3, 2011, has been paid in full on April 9, 2013.

This letter serves as your proof of payment in full. Please retain this letter with your other documentation associated with this loan.

We appreciate your business as our customer and we're delighted to have helped you with the financing you needed. In the future, please don't hesitate to call on us for ways to finance an education, home or vehicle, consolidate debt or prepare for retirement. We hope that we will be your lender of choice for all your financial and banking needs. For additional borrowing needs, call our Loan by Phone at 1-800-800-LOAN.

Your satisfaction is important to us. If you have any questions, please call us at 1-800-346-9670 and we'll be happy to assist you. Thank you for banking with us.

Sincerely,

Loan Customer Service

Member FDIC

PAID007

## Civil Action

- Replevin
- Notice of Claim vs. Yonkers P.D. and Dan Glo Towing
- Order To Show Cause:
- The vehicle was being held as "evidence" by the DA, but there weren't any drugs on me or in my vehicle upon my arrest.